

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

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In re:

SHAHARA KHAN,

Debtor.

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DEBRA KRAMER, AS TRUSTEE OF THE
ESTATE OF SHAHARA KHAN,

Chapter 7
Case No. 10-46901-ess

Plaintiff,

-against-

TOZAMMEL H. MAHIA,

Defendant.

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TOZAMMEL H. MAHIA,

Counterclaim Plaintiff,

Adv. Pro. No. 11-01520-ess

-against-

DEBRA KRAMER, AS TRUSTEE OF THE
ESTATE OF SHAHARA KHAN,

Counterclaim Defendant.

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APPELLATE DESIGNATION

Appellant, Karamvir Dahiya and Dahiya Law Offices LLC (the “Appellants”), , pursuant to Bankruptcy Rule 8006, designates the following items to be included in the record on appeal and set forth the following statements of issue:

A. DESIGNATION OF ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL**(Pertaining to Case 11-01520-ESS)**

1. Complaint filed by Debra Kramer against Tozammel H. Mahia on December 3, 2011.
2. Summons and Notice of Pre-Trial Conference issued by Clerk's Office against Tozammel H. Mahia on December 5, 2011.
3. Audio tape and transcript of hearing held on January 1, 2012.
4. Pre-Trial Scheduling order dated January 25, 2012.
5. Answer to Complaint with demand for Jury trial under Article III, Counterclaim by Tozammel H. Mahia against Debra Kramer as Trustee of the Estate of Shahara Khan for Abuse of Process and Tort dated February 7, 2012.
6. Notice of Proposed Stipulation By and Between Debra Kramer, Trustee and Defendant Tozammel H. Mahia to Extend Time to Answer dated February 21, 2012.
7. Transcript of hearing held and adjourned dated February 23, 2012.
8. Stipulation and Order by and between Debra Kramer, as Trustee of the Estate of Shahara Khan and Tozammel H. Mahia extending the time for Debra Kramer as Trustee of the Estate of Shahara Khan to answer, move or otherwise respond to the counterclaims asserted in the Defendants Answer to and including March 28, 2012 dated February 23, 2012.
9. Motion to Extend Time *to answer counterclaims*, in addition to Motion For Sanctions Under USC 28 Section 1927 Attorney Liability for Excessive Costs Filed by Katherine Geraci on behalf of Debra Kramer as Trustee of the Estate of Shahara Khan. (Attachments: # [1](#) Affidavit # [2](#) Exhibit # [3](#) Exhibit # [4](#) Exhibit # [5](#) Proposed Order) (Geraci, Katherine) Modified on 3/20/2012 (aac). (Entered: 03/19/2012)

10. Stipulation and Order by and Between Debra Kramer, as Trustee of the Estate of Shahara Khan and Tozammel H. Mahia Extending Time for Debra Kramer as Trustee of the Estate of Shahara Khan to Answer, move or otherwise respond to the counterclaims asserted in the Defendants Answer. Answer Due 5/4/2012. Signed on 3/21/2012 (aac) (Entered: 03/22/2012)

11. Letter *withdrawing the trustee/plaintiff's application to schedule a hearing on an expedited basis* Filed by Fred S Kantrow on behalf of Debra Kramer as Trustee of the Estate of Shahara Khan (RE: related document(s)[11](#) Motion to Extend Time filed by Counter-Defendant Debra Kramer as Trustee of the Estate of Shahara Khan, Plaintiff Debra Kramer as Trustee of the Estate of Shahara Khan, Motion for Sanctions Under USC 28 Section 1927) (Kantrow, Fred) (Entered: 03/24/2012)

12. Motion For Sanctions Under USC 28 Section 1927 Attorney Liability for Excessive Costs . Objections to be filed on 4/17/12. Filed by Fred S Kantrow on behalf of Debra Kramer as Trustee of the Estate of Shahara Khan. Hearing scheduled for 4/24/2012 at 09:30 AM at Courtroom 3585 (Judge Stong), Brooklyn, NY. (Attachments: # [1](#) Exhibit Pleading# [2](#)Exhibit "A" Decision of the Hon. Alan S. Trust# [3](#) Exhibit "B" Pleadings in In re Chatkahn, Adv. Pro. No. 11-1017-cec# [4](#) Exhibit "C" Pleadings in Barnard v. Arif er al, 09-8315-ast) (Kantrow, Fred) (Entered: 03/24/2012)

13. Affirmation in Opposition Filed by Karamvir Dahiya on behalf of Tozammel H Mahia (RE: related document(s)[15](#) Motion for Sanctions Under USC 28 Section 1927 filed by Counter-Defendant Debra Kramer as Trustee of the Estate of Shahara Khan, Plaintiff Debra Kramer as Trustee of the Estate of Shahara Khan) (Dahiya, Karamvir) (Entered: 04/23/2012).

14. Letter *Withdrawing Counterclaim* Filed by Christine T Castiglia-Rubinstein on behalf of Tozammel H Mahia (Castiglia-Rubinstein, Christine) (Entered: 04/23/2012).
15. Transcript of Hearing Held and Adjourned; (related document(s): [1](#) Complaint) Appearance by Plaintiff and Defendant - Pre-Trial Conference set for 06/13/2012 at 09:00 AM at Courtroom 3585 (Judge Stong), Brooklyn, NY. (sjackson) (Entered: 04/24/2012).
16. Transcript of Hearing Held and Adjourned; (related document(s): [15](#) Motion for Sanctions Under USC 28 Section 1927) Appearance by Plaintiff and Defendant - Hearing scheduled for 06/13/2012 at 09:00 AM at Courtroom 3585 (Judge Stong), Brooklyn, NY. (sjackson) (Entered: 04/24/2012)
17. Pre-Hearing Order. The parties shall appear on June 13, 2012 at 9:00 a.m. for an evidentiary hearing on the Motion for Sanctions. On or before June 1, 2012, each party shall file a pre-hearing statement and on or before June 1, 2012, each party shall provide the Court with two copies of each exhibit that it intends to offer, and shall indicate whether an objection to admissibility is anticipated (RE: related document(s)[15](#) Motion for Sanctions Under USC 28 Section 1927 filed by Counter-Defendant Debra Kramer as Trustee of the Estate of Shahara Khan, Plaintiff Debra Kramer as Trustee of the Estate of Shahara Khan). Signed on 4/26/2012 (aac) (Entered: 04/27/2012)
18. Pre-Trial Statement Filed by Avrum J. Rosen on behalf of Debra Kramer as Trustee of the Estate of Shahara Khan (RE: related document(s)[21](#)Order) (Attachments: # [1](#) Exhibit List of Exhibits# [2](#) Exhibit) (Rosen, Avrum) (Entered: 06/01/2012)

19. Letter Filed by Karamvir Dahiya on behalf of Tozammel H Mahia (RE: related document(s)[1](#) Complaint, [15](#) Motion for Sanctions Under USC 28 Section 1927) (sej) (Entered: 06/11/2012)
20. Letter *Objecting to Adjournment* Filed by Avrum J. Rosen on behalf of Debra Kramer as Trustee of the Estate of Shahara Khan (RE: related document(s)[24](#) Letter filed by Counter-Claimant Tozammel H Mahia, Defendant Tozammel H Mahia) (Attachments: # [1](#) Exhibit A-G to Letter) (Rosen, Avrum) (Entered: 06/11/2012)
21. Transcript of Hearing Held and Adjourned; (related document(s): [1](#) Complaint) - Appearance by Plaintiff and Defendant - Pre-Trial Conference set for 07/16/2012 at 09:30 AM at Courtroom 3585 (Judge Stong), Brooklyn, NY. (sjackson) (Entered: 06/21/2012)
22. Transcript of Hearing Held and Adjourned; (related document(s): [15](#) Motion for Sanctions Under USC 28 Section 1927) Appearance by Plaintiff and Defendant - Hearing scheduled for 07/16/2012 at 09:30 AM at Courtroom 3585 (Judge Stong), Brooklyn, NY. (sjackson) (Entered: 06/21/2012)
23. Pre-Hearing Order. The parties shall appear on July 16, 2012 at 9:30 a.m. for an evidentiary hearing on the Motion for Sanctions. On or before June 27, 2012, Mr. Dahiya shall file a pre-hearing statement and, on or before June 27, 2012, Mr. Dahiya shall provide the Court with two copies of each exhibit that he intends to offer and shall indicate whether an objection to admissibility is anticipated. It is Further Ordered that counsel for Mr. Dahiya is directed to file a notice of appearance on or before June 20, 2012 (RE: related document(s)[15](#) Motion for Sanctions Under USC 28 Section 1927). Signed on 6/14/2012. (aac) (Entered: 06/15/2012)

24. Letter Filed by Wayne M Greenwald on behalf of Karamvir Dahiya (RE: related document(s)[15](#) Motion for Sanctions Under USC 28 Section 1927 filed by Counter-Defendant Debra Kramer as Trustee of the Estate of Shahara Khan, Plaintiff Debra Kramer as Trustee of the Estate of Shahara Khan, [27](#) Notice of Appearance filed by Former Attorney Karamvir Dahiya) (Greenwald, Wayne) (Entered: 06/20/2012).

25. Letter *in response to request for adjournment* Filed by Avrum J. Rosen on behalf of Debra Kramer as Trustee of the Estate of Shahara Khan (RE: related document(s)[28](#) Letter filed by Former Attorney Karamvir Dahiya) (Rosen, Avrum) (Entered: 06/21/2012).

26. Pre-Hearing Order. That the evidentiary hearing scheduled for July 16, 2012 at 9:30 a.m. is adjourned, on consent of the Trustee, to September 13, 2012 at 1:00 p.m. and that On or before September 6, 2012, Mr. Dahiya shall file a pre-hearing statement and, on or before September 6, 2012, Mr. Dahiya shall provide the Court with two copies of each exhibit that he intends to offer and shall indicate whether an objection to admissibility is anticipated (RE: related document(s)[15](#) Motion for Sanctions Under USC 28 Section 1927). Signed on 6/28/2012. Hearing scheduled for 9/13/2012 at 01:00 PM at Courtroom 3585 (Judge Stong), Brooklyn, NY. (aac) (Entered: 06/29/2012).

27. Letter *Advising of agreement to extend respondent's time to serve and file opposition* Filed by Wayne M Greenwald on behalf of Karamvir Dahiya (RE: related document(s)[15](#) Motion for Sanctions Under USC 28 Section 1927 filed by Counter-Defendant Debra Kramer as Trustee of the Estate of Shahara Khan, Plaintiff Debra

Kramer as Trustee of the Estate of Shahara Khan) (Greenwald, Wayne) (Entered: 09/07/2012)

28. So Ordered - Time to file opposition extended on consent to September 10, 2012, at 4:00 p.m.(RE: related document(s)[15](#) Motion for Sanctions Under USC 28 Section 1927 filed by Counter-Defendant Debra Kramer as Trustee of the Estate of Shahara Khan, Plaintiff Debra Kramer as Trustee of the Estate of Shahara Khan, [30](#) Order to Schedule Hearing , [31](#) Letter filed by Former Attorney Karamvir Dahiya). Signed on 9/7/2012 (sej) (Entered: 09/07/2012)

29. Affirmation in Opposition Filed by Karamvir Dahiya on behalf of Karamvir Dahiya (RE: related document(s)[15](#) Motion for Sanctions Under USC 28 Section 1927 filed by Counter-Defendant Debra Kramer as Trustee of the Estate of Shahara Khan, Plaintiff Debra Kramer as Trustee of the Estate of Shahara Khan) (Attachments: # [1](#) Exhibit Declaration) (Dahiya, Karamvir) (Entered: 09/10/2012)

30. Proposed Response *Prehearing Statement* Filed by Karamvir Dahiya on behalf of Karamvir Dahiya (RE: related document(s)[15](#) Motion for Sanctions Under USC 28 Section 1927 filed by Counter-Defendant Debra Kramer as Trustee of the Estate of Shahara Khan, Plaintiff Debra Kramer as Trustee of the Estate of Shahara Khan) (Dahiya, Karamvir) (Entered: 09/10/2012)

31. Reply Filed by Avrum J. Rosen on behalf of Debra Kramer as Trustee of the Estate of Shahara Khan (RE: related document(s)[33](#) Affirmation in Opposition; [15](#) Motion for Sanctions Under USC 28 Section 1927 filed by Counter-Defendant Debra Kramer as Trustee of the Estate of Shahara Khan, Plaintiff Debra Kramer as Trustee of the Estate of Shahara Khan) (Rosen, Avrum) . (Entered: 09/11/2012)

32. Transcript of Hearing Held and Adjourned; (related document(s): [1](#) Complaint filed by Debra Kramer) Pre-Trial Conference set for 11/20/2012 at 10:00 am at Courtroom 3585 (Judge Stong), Brooklyn, NY. (sjackson) Modified on 9/19/2012 to correct time of hearing (sej). (Entered: 09/19/2012)
33. Letter of Adjournment: Hearing rescheduled from 9/13/12 at 1:00 p.m. to 11/20/12 at 10:00 a.m. Filed by Avrum J. Rosen on behalf of Debra Kramer as Trustee of the Estate of Shahara Khan (RE: related document(s)[1](#) Complaint, Hearing Held and Adjourned (Case Owned AP)) (Rosen, Avrum) (Entered: 09/19/2012)
34. Notice of Proposed Stipulation By and Between Karamvir Dahiya, Dahiya Law Office LLC, Cuevs & Greenwald, Wayne Greenwald, Carlos Cuevas to Discharging Counsel Filed by Wayne M Greenwald on behalf of Wayne Greenwald (Greenwald, Wayne) (Entered: 10/18/2012)
35. Letter *Advising Court of Discharge of Counsel and Breakdown of Settlement* Filed by Wayne M Greenwald on behalf of Wayne Greenwald (RE: related document(s)[38](#) Notice of Proposed Stipulation filed by Attorney Wayne Greenwald) (Greenwald, Wayne) (Entered: 10/18/2012)
36. Letter *advising about settlement* Filed by Karamvir Dahiya on behalf of Karamvir Dahiya (RE: related document(s)[15](#) Motion for Sanctions Under USC 28 Section 1927 filed by Counter-Defendant Debra Kramer as Trustee of the Estate of Shahara Khan, Plaintiff Debra Kramer as Trustee of the Estate of Shahara Khan) (Dahiya, Karamvir) (Entered: 10/18/2012)
37. Letter *requesting a new hearing date* Filed by Avrum J. Rosen on behalf of Debra Kramer as Trustee of the Estate of Shahara Khan (RE: related document(s)[15](#) Motion

for Sanctions Under USC 28 Section 1927 filed by Counter-Defendant Debra Kramer as Trustee of the Estate of Shahara Khan, Plaintiff Debra Kramer as Trustee of the Estate of Shahara Khan) (Rosen, Avrum) (Entered: 10/25/2012)

38. Order Scheduling Telephonic Conference (RE: related document(s)[41](#) Letter filed by Counter-Defendant Debra Kramer as Trustee of the Estate of Shahara Khan, Plaintiff Debra Kramer as Trustee of the Estate of Shahara Khan). Signed on 10/26/2012. Telephonic conference will be held on 10/31/2012 at 10:00 AM at Courtroom 3585 (Judge Stong), Brooklyn, NY. (aac) (Entered: 10/26/2012)

39. Letter Filed by Karamvir Dahiya on behalf of Karamvir Dahiya (Dahiya, Karamvir) (Entered: 10/26/2012)

40. Transcript of Hearing Held and Adjourned; (related document(s): [41](#) Letter filed by Debra Kramer as Trustee of the Estate of Shahara Khan, [42](#) Order to Schedule Hearing (Generic)) Appearance by Plaintiff and Defendant - Court to Issue Pre Hearing Order - Hearing scheduled for 11/30/2012 at 01:00 PM at Courtroom 3585 (Judge Stong), Brooklyn, NY. (sjackson) (Entered: 10/31/2012)

41. Stipulation and Order Discharging Counsel Wayne Greenwald, Carlos Cuevas and Cuevas & Greenwald, P.C., as Attorneys for the respondents, Karamvir Dahiya and the Dahiya Law Offices, LLC, in the referenced cases by and between Karamvir Dahiya, Dahiya Law Offices, LLC, and Wayne M. Greenwald, Carlos J. Cuevas, Cuevas & Greenwald, P.C. (RE: related document(s)[38](#) Notice of Proposed Stipulation filed by Attorney Wayne Greenwald). Signed on 11/7/2012 (fmr) (Entered: 11/09/2012)

42. Scheduling Order. Ordered, that an adjourned hearing on the Movant's motion shall be held on 11/30/2012 at 01:00 PM at Courtroom 3585 (Judge Stong), Brooklyn, NY. (related document(s): [41](#) Letter filed by Debra Kramer as Trustee of the Estate of Shahara Khan, [42](#)Order to Schedule Hearing (RE: [15](#) Motion for Sanctions Under USC 28 Section 1927) Signed on 11/7/2012 (fmr) (Entered: 11/09/2012)
43. Motion for Jury Trial Filed by Karamvir Dahiya on behalf of Karamvir Dahiya (related document(s)[15](#)). (Dahiya, Karamvir) (Entered: 11/12/2012)
44. Motion for Withdrawal of Reference Fee Amount \$ 176 Filed by Karamvir Dahiya on behalf of Karamvir Dahiya (RE: related document(s)[15](#) Motion for Sanctions Under USC 28 Section 1927 filed by Counter-Defendant Debra Kramer as Trustee of the Estate of Shahara Khan, Plaintiff Debra Kramer as Trustee of the Estate of Shahara Khan). (Attachments: # [1](#)Exhibit Ex. B# [2](#) Exhibit Ex. C. Answer# [3](#) Exhibit Ex. D# [4](#) Exhibit Ex. D# [5](#) Exhibit Ex. E.) (Dahiya, Karamvir) (Entered: 11/19/2012)
45. Transcript of Hearing Held and Adjourned; (related document(s): [1](#) Complaint filed by Debra Kramer) Appearance by Plaintiff - No Appearance by Defendant - Complete discovery by 1/21/2013 - Direct parties to appear - Court to Issue Scheduling Order - Pre-Trial Conference set for 01/22/2013 at 02:00 PM at Courtroom 3585 (Judge Stong), Brooklyn, NY. (sjackson) (Entered: 11/21/2012)
46. Letter *from of counsel Krishnan Chittur, Esq.* Filed by Karamvir Dahiya on behalf of Karamvir Dahiya (RE: related document(s)[15](#) Motion for Sanctions Under USC 28 Section 1927 filed by Counter-Defendant Debra Kramer as Trustee of the Estate of Shahara Khan, Plaintiff Debra Kramer as Trustee of the Estate of Shahara Khan, [49](#) Motion for Jury Trial filed by Former Attorney Karamvir

- Dahiya, [50](#) Motion for Withdrawal of Reference filed by Former Attorney Karamvir Dahiya) (Dahiya, Karamvir) (Entered: 11/26/2012)
47. Scheduling Order. Parties shall complete discovery by 1/21/2013 and the parties are directed to appear, in person or by counsel, at an adjourned pre-trial conference that shall be held on January 22, 2013, at 2:00PM. Signed on 11/27/2012 (aac) (Entered: 11/28/2012)
48. Order that the request, by letter dated November 26, 2012, for the entry of an order canceling the evidentiary [hearing] currently scheduled for November 30, 2012 or adjourning that hearing to an unspecified date, pending the district courts determination of the motion to withdraw the reference is DENIED (RE: related document(s)[52](#) Letter filed by Former Attorney Karamvir Dahiya). Signed on 11/28/2012 (aac) (Entered: 11/29/2012)
49. Letter to Judge Stong Filed by Karamvir Dahiya on behalf of Karamvir Dahiya (RE: related document(s)[15](#) Motion for Sanctions Under USC 28 Section 1927 filed by Counter-Defendant Debra Kramer as Trustee of the Estate of Shahara Khan, Plaintiff Debra Kramer as Trustee of the Estate of Shahara Khan, [50](#) Motion for Withdrawal of Reference filed by Former Attorney Karamvir Dahiya) (Dahiya, Karamvir) (Entered: 11/29/2012)
50. So Ordered - The request to adjourn the evidentiary hearing scheduled for November 30, 2012, is denied. (RE: related document(s)[15](#) Motion for Sanctions Under USC 28 Section 1927 filed by Plaintiff Debra Kramer as Trustee of the Estate of Shahara Khan, [50](#) Motion for Withdrawal of Reference filed by Former Attorney Karamvir

- Dahiya, [57](#) Letter filed by Former Attorney Karamvir Dahiya). Signed on 11/29/2012 (sej) (Entered: 11/29/2012)
51. Order Denying Motion For Jury Trial (Related Doc # [49](#)) Signed on 11/30/2012. (aac) (Entered: 11/30/2012)
52. Transcript of Hearing Held; (related document(s): [15](#) Motion for Sanctions Under USC 28 Section 1927 filed by Debra Kramer as Trustee of the Estate of Shahara Khan) Appearance by Trustee and Dahiya - Submitted - Decision reserved. (sjackson) (Entered: 11/30/2012)
53. Notice of Appearance and Request for Notice Filed by Karamvir Dahiya on behalf of Tozammel H Mahia (Attachments: # [1](#) Exhibit discharging former attorney) (Dahiya, Karamvir) (Entered: 12/05/2012)
54. Letter *demanding account and cease communication with Mr. Mahia* Filed by Karamvir Dahiya on behalf of Tozammel H Mahia (RE: related document(s)[64](#) Notice of Appearance filed by Counter-Claimant Tozammel H Mahia, Defendant Tozammel H Mahia) (Dahiya, Karamvir) (Entered: 12/05/2012)
55. Emergency Motion for Withdrawal of Reference *of the underlying adversary complaint* Fee Amount \$ 176 Filed by Karamvir Dahiya on behalf of Tozammel H Mahia. (Attachments: #[1](#) Exhibit Answer# [2](#) Exhibit First letter withdrawal of counterclaims# [3](#) Exhibit Second Letter regarding counterclaims) (Dahiya, Karamvir) (Entered: 12/05/2012)
56. Transcript & Notice regarding the hearing held on 11/30/12. Pursuant to the new policy adopted by the Judicial Conference, transcripts are available for inspection only at the Office of the Clerk or may be purchased from the court transcriber. (RE:

related document(s) [15](#)Motion For Sanctions Under USC 28 Section 1927 Attorney Liability for Excessive Costs . Objections to be filed on 4/17/12. Filed by Fred S Kantrow on behalf of Debra Kramer as Trustee of the Estate of Shahara Khan. Hearing scheduled for 4/24/2012 at 09:30 AM at Courtroom 3585, [42](#) Order Scheduling Telephonic Conference). Notice of Intent to Request Redaction Due By 12/13/2012. Redaction Request Due By 12/27/2012. Redacted Transcript Submission Due By 01/7/2013. TRANSCRIPT ACCESS WILL BE ELECTRONICALLY RESTRICTED THROUGH 03/6/2013 AND MAY BE VIEWED AT THE OFFICE OF THE CLERK. (Rupa, Dion) (Entered: 12/06/2012)

57. Letter *filed with the dist ct. requesting conference* Filed by Karamvir Dahiya on behalf of Tozammel H Mahia (RE: related document(s)[66](#)) (Dahiya, Karamvir) (Entered: 12/12/2012)

58. Notice of Docketing Record on Motion to Withdraw Reference to District Court. Civil Action Number: 12-mc-00832 District Court Judge Roslynn R. Mauskopf assigned (RE: related document(s)[66](#) Motion for Withdrawal of Reference) . (aac) (Entered: 12/28/2012)

59. Response to the Defendant's Motions to Withdraw the References Filed by Avrum J. Rosen on behalf of Debra Kramer as Trustee of the Estate of Shahara Khan (RE: related document(s)[50](#) Motion for Withdrawal of Reference filed by Former Attorney Karamvir Dahiya, [66](#) Motion for Withdrawal of Reference filed by Counter-Claimant Tozammel H Mahia, Defendant Tozammel H Mahia) (Attachments: # [1](#) Exhibit A# [2](#) Exhibit B# [3](#) Exhibit C# [4](#) Exhibit D# [5](#) Exhibit E# [6](#) Exhibit F) (Rosen, Avrum) (Entered: 01/04/2013)

60. Letter *re response to Discovery Demand* Filed by Avrum J. Rosen on behalf of Debra Kramer as Trustee of the Estate of Shahara Khan (Attachments: # [1](#) Copies of E-mails) (Rosen, Avrum) (Entered: 02/25/2013)

61. Transcript of Hearing Held and Adjourned; (related document(s): [1](#) Complaint filed by Debra Kramer) Appearance by Plaintiff and Defendant - As Reflected in the Record, Defendant to provide copied of tax returns and other documents by 3/15/2013. Plaintiff to file amended complaint by 3/25/2013. Defendant to respond to amended complaint by 4/4/2013. Court to issue scheduling order - Pre-Trial Conference set for 05/14/2013 at 02:00 PM at Courtroom 3585 (Judge Stong), Brooklyn, NY. (sjackson) (Entered: 03/05/2013)

62. Scheduling Order. Defendant will provide tax returns and other documents to the Plaintiff by March 15, 2013; Plaintiff will file and serve an amended complaint, if any, by March 25, 2013 and Defendant will file and serve any response to the amended complaint by April 4, 2013. The parties and their counsel are directed to appear at an adjourned pretrial conference and settlement conference, to be held on May 14, 2013, at 2:00 p.m. in Courtroom 3585, 271 Cadman Plaza East, Brooklyn, New York 11201 (RE: related document(s)[1](#) Complaint). Signed on 3/5/2013 (aac) (Entered: 03/06/2013)

63. Letter *with Transcripts as referenced in the Opposition to Motion to Withdraw Reference*Filed by Avrum J. Rosen on behalf of Debra Kramer as Trustee of the Estate of Shahara Khan (RE: related document(s)[72](#) Response filed by Counter-Defendant Debra Kramer as Trustee of the Estate of Shahara Khan, Plaintiff Debra Kramer as Trustee of the Estate of Shahara Khan) (Attachments: # [1](#) June 13, 2012

Transcript# [2](#) November 30, 2012 Transcript) (Rosen, Avrum) Modified on 3/11/2013 - DOCUMENT FILED WITH THE DISTRICT COURT (aac). (Entered: 03/07/2013)

64. Letter *Requesting Recusal from the case* Filed by Karamvir Dahiya on behalf of Tozammel H Mahia (Attachments: # [1](#) Exhibit client email# [2](#) Exhibit Ex. B Letter# [3](#) Exhibit Letter to Counsel) (Dahiya, Karamvir) (Entered: 03/11/2013)

65. Memorandum Decision on Trustee's Motion for Sanctions (RE: related document(s)[15](#)Motion for Sanctions Under USC 28 Section 1927 filed by Plaintiff Debra Kramer as Trustee of the Estate of Shahara Khan) - Based on the entire record, and for the reasons stated, the Court concludes that the Trustee has met her burden to show that an award in the amount of \$15,000 against Mr. Dahiya and Dahiya Law Offices, LLC, under Section 1927 and the Court's inherent authority, is warranted. The Court further concludes that this sanctions award may be paid to the Trustee in three installments of \$5,000, to be received by April 15, 2013, May 15, 2013, and June 17, 2013. An order in conformity with this Memorandum Decision shall be entered simultaneously. Signed on 3/11/2013 (sej) (Entered: 03/11/2013)

66. Order that based on the entire record, The Trustee's Motion For Sanctions is granted in the amount of \$15,000. (Related Doc # [15](#)) Signed on 3/11/2013. (sej) (Entered: 03/11/2013)

67. Amended Complaint Additional factual allegations and causes of action; amended causes of action by Avrum J. Rosen on behalf of Debra Kramer as Trustee of the Estate of Shahara Khan against Tozammel H Mahia. (Rosen, Avrum) (Entered: 03/25/2013)

68. Letter *requesting the Court note the default of the defendant as to the Amended Complaint* Filed by Katherine Geraci on behalf of Debra Kramer as Trustee of the Estate of Shahara Khan (Geraci, Katherine) (Entered: 04/10/2013)

69. Letter *Sanctioned Payment Loan obtained to make payment* Filed by Karamvir Dahiya on behalf of Karamvir Dahiya (RE: related document(s)[80](#) Opinion/Decision for External Web Page, [81](#)Order on Motion for Sanctions Under Section 1927) (Attachments: # [1](#) Exhibit Check Copy) (Dahiya, Karamvir) (Entered: 04/15/2013)

Following Materials/Records from Case 10-46901-ESS

70. Chapter 7 Voluntary Petition. Fee Amount \$299 Filed by Eugene M Banta on behalf of Shahara Khan (Banta, Eugene) (Entered: 07/22/2010)

71. Transcript of Meeting of Creditors Chapter 7 No Asset & Appointment of Chapter 7 Trustee, Debra Kramer, 341(a) Meeting to be held on 08/27/2010 at 01:30 PM at Room 2579, 271 Cadman Plaza East, Brooklyn, NY . Last day to oppose discharge or dischargeability is 10/26/2010 . (Entered: 07/22/2010)

72. Certificate of Credit Counseling for Debtor Filed by Eugene M Banta on behalf of Shahara Khan (Banta, Eugene) (Entered: 07/22/2010)

73. Request for Notice - Meeting of Creditors Chapter 7 No Asset Financial Management Certificate due by 10/12/2010. (fmr) (Entered: 07/23/2010)

74. Employee Income Records / Copies of Pay Statements Filed by Eugene M Banta on behalf of Shahara Khan (RE: related document(s)[3](#) Deficient Filing Chapter 7) (Banta, Eugene) (Entered: 08/17/2010)

75. Notice of Continuance of Meeting of Creditors on 10/7/2010 at 03:00 PM at Room 2579, 271 Cadman Plaza East, Brooklyn, NY (Kramer, Debra) (Entered: 08/31/2010)
76. Notice of No Financial Management Certificate before Discharge for Debtor(s). (Admin) (Entered: 09/27/2010)
77. Debtor's Certification of Postpetition Completion of Instructional Course and/or Certificate of Financial Management Course Filed for Debtor. Debtor Certificate Number: 06531-nye-de-012635892 Filed by Eugene M Banta on behalf of Shahara Khan (RE: related document(s)[4](#) Request for Notice - Meeting of Creditors Chapter 7 No Asset) (Banta, Eugene) Additional attachment(s) added on 10/14/2010 (fmr). (Entered: 10/12/2010)
78. Stipulation and Order by and between Trustee, Debra Kramer and Debtor, Shahara Khan Extending The Trustees time to object to the Debtors discharge pursuant to 11 U.S.C. § 727 is extended to and including 12/22/2010, without prejudice to the Trustees right to seek a further extension or extensions of such time.(RE: related document(s) [14](#) Notice of Proposed Stipulation). Last day to oppose discharge or dischargeability is 12/22/2010. Signed on 10/20/2010 (fmr) (Entered: 10/22/2010)
79. Notice of Discovery of Assets Proofs of Claims due by 3/23/2011. (fmr) (Entered: 12/23/2010)
80. Order Discharging Debtor(RE: related document(s)Judge / Trustee / 341 Meeting Assignment (Chapter 7)). Signed on 12/23/2010 (fmr) (Entered: 12/23/2010)
81. Application to Employ The Law Offices of Avrum J. Rosen, PLLC as Trustee's CounselFiled by Fred S Kantrow on behalf of Debra Kramer. (Attachments: # [1](#) Affidavit # [2](#)Proposed Order) (Kantrow, Fred) (Entered: 11/28/2011)

82. Order Granting Application to Employ The Law Offices of Avrum J. Rosen, PLLC as Attorneys for the Trustee (Related Doc # [20](#)) Signed on 12/8/2011. (fmr) (Entered: 12/08/2011)

83. Emergency Motion to Authorize/Direct *a hearing on an Expedited basis to consider the imposition of monetary sanctions as against Karamvir Dahiya, Esq. and the Dahiya Law Offices, LLC pursuant to 28 U.S.C. 1927* Filed by Avrum J. Rosen on behalf of Debra Kramer. (Attachments: # [1](#) Affidavit Local Rule 9077-1 Affidavit# [2](#) Exhibit Exhibit A# [3](#) Exhibit Exhibit B# [4](#) Exhibit Exhibit C# [5](#) Proposed Order) (Rosen, Avrum) Modified on 3/19/2012 (fmr). (Entered: 03/15/2012)

84. Letter *withdrawing application seeking the entry of an Order scheduling a hearing on an expedited basis* Filed by Fred S Kantrow on behalf of Debra Kramer (RE: related document(s)[23](#)Motion to Authorize/Direct filed by Trustee Debra Kramer) (Kantrow, Fred) Modified on 3/26/2012 (fmr). (Entered: 03/24/2012)

RECORD OF ADVERSARY CASE 11-01466

DEBRA KRAMER V. TGS TAXI LLC

85. Adversary case 1-11-01466. Complaint by Debra Kramer against TGS Taxi LLC, Dated 09/27/2011

86. Motion for Default Judgment , Filed by Fred S Kantrow on behalf of Debra Kramer as Trustee of the Estate of Louis Stogianos.. (Attachments: # [1](#) Exhibit Pleading# [2](#) Exhibit "A" Complaint# [3](#) Exhibit "B" Summons# [4](#) Exhibit "C" Affidavit of Service# [5](#) Proposed Order) (Kantrow, Fred) (Entered: 11/22/2011)

87. Answer to Complaint , Counterclaim by TGS Taxi LLC against Debra Kramer as Trustee of the Estate of Louis Stogianos Filed by Karamvir Dahiya on behalf of TGS Taxi LLC (Dahiya, Karamvir)

88. Emergency Motion for Withdrawal of Reference Filed by Karamvir Dahiya on behalf of TGS Taxi LLC.

89. Answer to Counterclaim Filed by Fred S Kantrow on behalf of Debra Kramer as Trustee of the Estate of Louis Stogianos.

90. Transcripts of Hearing held on 12/22/2011

91. Transcripts of Hearing held on 01/19/2012

92. A copy of the ORDER, By District Court Judge William F. Kuntz, II,
WITHDRAWNING Motion for Withdrawal of Reference Re: Appeal on Civil
Action Number: 12-CV-894. Signed on 2/23/2012

**RECORD OF CASE 11-40832-JF
DEBTOR LOUIS STOGIANOS**

93. Chapter 13 Voluntary Petition. 02/04/2011

94. Transcripts of hearing held on June 16, 2011, August 11, 2011, November 1, 2011 January 19, 2012, February 14, 2012 , February 23, 2012, April 5, 2012, August 30, 2012 in Case 11-40832-JF

95. Dated December 20, 2011 Motion For Sanctions for Debtor's Attorney Misconduct under Rule 9011 , in addition to Motion For Sanctions *against Louis Stogianos, debtor* Filed by Fred S Kantrow on behalf of Debra Kramer.

96. Dated January 18, 2012: Affirmation in Opposition Filed by Karamvir Dahiya on behalf of Louis Stogianos (RE: related document(s)[70](#) Motion for Sanctions for Debtor's Attorney filed by Trustee Debra Kramer, Motion for Sanctions)

97. Dated July 31, 2012, Chapter 7 Trustee's Final Report, Application for Compensation and Application(s) for Compensation of Professionals filed on behalf of Trustee Debra Kramer. Application for Compensation. for Law Offices of Avrum J. Rosen, PLLC as Counsel to the Chapter 7 Trustee; Fees: \$35,878.00 Expenses: \$624.04 Filed by Debra Kramer on behalf of Debra Kramer. Application for Compensation. for Debra Kramer as Chapter 7 Trustee; Fees: \$ 6,750.00 Expenses: \$ 201.99. for Joseph A. Broderick, P.C. as Accountants for the Trustee; Fees: \$ 5,340.00

**Adversary Proceeding #: 8-11-09096-ast
Pryor v. Santangelo**

98. Record pertaining to the Adversary Complaint, Dkt # 1; Emergency Motion to withdraw the reference, Dkt # 5; Motion for default Judgment, Dkt # 7; Answer to the Complaint, Dkt # 9; Affirmation in Opposition, Dkt # 10; Reply to Defendant's opposition for default judgment, Dkt # 11; Order denying motion for default judgment, Dkt# 12; Reply to Counterclaim , Dkt # 13, Motion to Dismiss counterclaim, dkt # 20, 21; Demand for jury trial, Dkt # 23; Affirmation in Opposition, Dkt # 24; Reply by Dahiya, Dkt # 25; Reply by Giuliano, Dkt # 26; Amended Reply by Giuliano, Dkt # 27; Motion to strike jury demand, dkt # 28; Decision of bankruptcy judge, Dkt # 33; Motion for sanctions, Dkt # 43.

Dated: April 24, 2013

/s/ Karamvir Dahiya

Karamvir Dahiya, Esq.
Dahiya Law Group, LLC
75 Maiden Lane, Suite 506
New York, NY 10038
212 766 8000
Pro Se

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

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In re:

SHAHARA KHAN,

Debtor.

-----X

DEBRA KRAMER, AS TRUSTEE OF THE
ESTATE OF SHAHARA KHAN,

Chapter 7
Case No. 10-46901-ess

Plaintiff,

-against-

TOZAMMEL H. MAHIA,

Defendant.

-----X

TOZAMMEL H. MAHIA,

Counterclaim Plaintiff,

Adv. Pro. No. 11-01520-ess

-against-

DEBRA KRAMER, AS TRUSTEE OF THE
ESTATE OF SHAHARA KHAN,

Counterclaim Defendant.

-----X

STATEMENTS OF ISSUE ON APPEAL

- a. Whether bankruptcy units (“bankruptcy courts”), as designated under 28 U.S.C. § 151, of this district court, presided over by judicial officers/referree (“bankruptcy judges”) are independent courts with “inherent judicial powers;”
- b. Whether a bankruptcy court is a “court of the United States” under Chapter 5 of Title 28, for the purposes of holding counsel liable for excessive cost under 28 U.S.C. 1927;

- c. Whether the “bankruptcy courts” presided over by “bankruptcy judges” can preside over State causes of action and can rule on the merits of such action.
- d. Whether the “Referral Order” dated August 28, 1986 and qualified by “Order” dated December 5, 2012, signed by Chief Judge Hon. Carol Bagley Amon cures the infirmities of “The Bankruptcy Reform Act of 1978” (Pub.L. 95–598, 92 Stat. 2549, November 6, 1978) (“1978 Act”) (held unconstitutional in *Northern Pipeline Construction Company v. Marathon Pipe Line Company*, 458 U.S. 50 (1982)) as amended by Bankruptcy Amendments and Federal Judgeship Act of 1984, Pub. L. No. 98-353, 98 Stat. 333 (1984) (BAFJA).
- e. Whether the Order of Referral of District Court dated August 28, 1986 as qualified by Order dated December 5, 2012 is rendered void for vagueness.
- f. Whether the default blanket referral under 28 U.S.C. § 157 (a) of bankruptcy matters and only discretionary withdrawal of references as opposed to limited mandatory withdrawal of some matters under 28 U.S.C. § 157(d) violates defendant right to be heard by an article III judge;
- g. Whether this scheme of default referral of all matters as opposed to individualized and discretionary referral impermissible vests bankruptcy judges with inherent judicial powers and thus violate Article III of Constitution;
- h. Whether this scheme of Referral Order violates the strictures of Article III as propounded by courts under Northern Pipeline and Granfinanciera regarding adjudication of private rights;
- i. Whether the Referral Order violates Separation of Power doctrine;

- j. Whether the district court could compel the litigants to have private rights adjudicated by the bankruptcy judges;
- k. Whether the Congress could assign matters of private rights to “bankruptcy judges” presiding over the “bankruptcy courts”
- l. Whether the bankruptcy courts can constitutionally decide private rights issues without being an adjunct or under constant and direct supervision of the district court.
- m. Whether the present system of appointments of “bankruptcy judges,” pursuant to 28 U.S.C. § 152 is in violation of appointment clause under Article II, Section 2, Clause 2 of the United States Constitution;
- n. Whether Barton doctrine extends to all acts of the panel trustees appointed under 11 U.S.C. §§ 701 and 702 in light of the fact that they are not appointed by the courts anymore;
- o. Whether panel trustees are liable for constitutional torts;
- p. Whether the bankruptcy judge had the power to determine sanctions motion once the counsel has expressed right to be heard by an Article III judge.
- q. Whether the bankruptcy judge could decide the merits of state causes of action and constitutional claims for deciding viability of claims.
- r. Whether there is a right to a jury trial when a counsel is facing severe monetary penalties.
- s. Whether the bankruptcy abused her discretion by failing to make a finding as to whether Dahiya acted unreasonable and vexatitiously under 1927.

- t. Whether the bankruptcy judge abused her discretion by failing to make a finding as to whether Dahiya acted in bad faith under her inherent powers to sanction.
- u. Whether bankruptcy abused her discretion by failing to make a finding as to whether Dahiya had the ability to pay.
- v. Whether bankruptcy judge abused her discretion by failing to consider the fees paid to Dahiya for representing his client, prior to sanctioning him under 1927.
- w. Whether Dahiya Law Offices is a person under 1927 and can be sanctioned.
- x. Whether sanctions could be imposed in absence of any excessive litigation.
- y. Whether filing of a counter claim is multiplication of proceedings?
- z. Whether the bankruptcy judge sanctioning the undersigned violates due process of law by not deciding the challenge to her appointment as a judicial officer, among other jurisdictional objection.

Dated: April 24, 2013

/s/ *Karamvir Dahiya*

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